

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Robin Christopher Smollen,

Petitioner,

vs.

ORDER

Marty C. Anderson, Warden,
United States Department of Justice,
Bureau of Prisons,
FMC Rochester, Minn.,

Respondents.

Civ. No. 05-2204 (RHK/RLE)

* * * * *

Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter, it is --

ORDERED:

1. That the Petition for Writ of Habeas Corpus [Docket No. 1] is dismissed as moot.
2. That the Respondent's Motion to Dismiss Petitioner's Habeas Petition Pursuant to Title 28 U.S.C. §2241 as Moot [Docket No. 6] is granted.

BY THE COURT:

s/Richard H. Kyle
Judge Richard H. Kyle
United States District Court

DATED: 3/28/06
At St. Paul, Minnesota